

REMARKS

Claims 2-9 are pending. Claim 2 is the only independent claim. Favorable reconsideration is requested.

In the most recent Office Action, claims 1-7 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,526,296 (Nieminen). Applicants submit that independent claim 2 and the claims dependent thereon are patentable for at least the following reasons.

Independent claim 2 is directed to a folding portable communication unit which is composed of first and second cabinets and a hinge for so supporting the first and second cabinets that they are rotational around the hinge. The foldable communication unit includes: first display/data-input means, which displays first information related to mobile telephone communication, inputs a first data related to the communication, and is situated on an obverse surface of the first and second cabinets, and second display/data-input means which displays second information related to mobile telephone communication, inputs a second data related to the communication, and is situated on a rear cover of the first or second cabinet. The second information can be watched and the second data can be inputted by a user in case that the first and second cabinets are folded.

In the communication unit defined by claim 2, both of the first and second display/data input means are for displaying information related to mobile telephone communication.

Nieminen shows a foldable device that in a closed position is a cellular telephone, and in an open position is a PDA. The keypad 6b and display 6a located on the outer surface are used for functions related to cellular mobile telephone (CMT) communication. On the

other hand, the keys 5b and the display 5a on the inside of the opened unit are used for the PDA data input/display.

In the Continuation Sheet attached to the first Advisory Action, i.e., the Advisory Action mailed January 25, 2005¹, the position was taken that Nieminen shows that both the first and second display and data input means are related to mobile telephone communication. Portions of Nieminen are cited as allegedly teaching this feature.

However, the identified portions do not describe all the features of claim 2 being shown together in a single embodiment, as is required to sustain an anticipation application. In particular, the portion relied upon as teaching wireless communication from a PDA relates to a prior art stand alone PDA, not the invention of Nieminen. See col. 2, lines 38-50.

Col. 7, lines 39-49 refers to an embodiment of Nieminen's actual invention. This section makes clear that Nieminen's display 6a is for CMT functions, whereas display 5a is for PDA functions. The fact that the entire unit, i.e., the "wireless communication device 1" is referred to provides no teaching whatsoever that the PDA display of Nieminen's embodiments relate in any way to mobile communication, still less mobile telephone communication.

Further, the Examiner cites these two portions as if they can be used together to support an anticipation rejection. This is improper. The Nieminen patent never describes any embodiment or device that has all the features of claim 2. If the Examiner is intending to propose a hypothetical device that combines the features of the PDA mentioned in the background section with the Nieminen device, then he must show a motivation to modify one or the other of these devices to meet the features of the claim, since such a rejection would be

¹ A subsequent Advisory Action was issued with a mailing date of February 4, 2005. The second Advisory Action made clear that the Amendment After Final Rejection dated November 18, 2004 would not be entered.

an *obviousness* rejection, not one based on anticipation, despite the fact that separate descriptions of the two different devices appear in the same document.

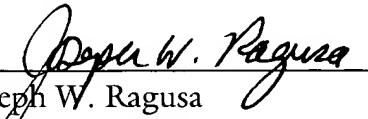
Since Neither Nieminen's invention, nor the invention discussed in the background section have all of the claimed features, the Examiner has failed to make a prima facie case of anticipation. For at least the above reasons, claim 2, and the claims dependent thereon, are patentable over Nieminen.

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration, or reconsideration as the case may be, of the patentability of each on its own merits is respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: February 24, 2005

Respectfully submitted,

By 
Joseph W. Ragusa

Registration No.: 38,586
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
1177 Avenue of the Americas
41st Floor
New York, New York 10036-2714
(212) 835-1400
Attorney for Applicant